

Notice of Allowability

Application No.

10/733,999

Examiner

Satya B. Sastri

Applicant(s)

HUYBRECHTS, JOS

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to February 2, 2006.
2. ☒ The allowed claim(s) is/are 1,3,4,6,7 and 10-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S COMMENT/REASONS FOR ALLOWANCE

1. All previous rejections have been overcome by the amendment filed February 2, 2006 and the rejections are withdrawn. *Claims 1, 3, 4, 6, 7, 10-12* are now pending in the application.

Reasons For Allowance

2. *Claims 1, 3, 4, 6, 7, 10-12* are allowed.

3. The following is an Examiner's Statement of Reasons for Allowance:

The instant claims are allowable over prior art to Nienhaus et al. (US 5,670,600), Huybrechts et al. (US 5,773,513) and Bremer et al. (DE 4445355, Machine translation).

The present claims are directed to an aqueous coating composition comprising at least one water-dilutable (meth)acrylate copolymer with a hydroxyl value of 220 to 280 mg KOH/g and at least one polyisocyanate crosslinking agent wherein the acrylic copolymer is a product of (a) 15-35% by wt. of at least one glycidyl ester derived from an aliphatic saturated acid branched in alpha position, (b) 10-40% by wt. of at least one polyalkylene glycol(meth)acrylate, (c) 30-45% by wt. of at least one hydroxyfunctional unsaturated monomer different from (b), (d) 7 to 20% by wt. of at least one unsaturated acid and other optional comonomers (e) and (f) and wherein the composition comprises a maximum of 10% by wt. of organic solvents.

Nienhaus et al. disclose an aqueous coating composition comprising a water-dilutable polyacrylate resin having an OH number of from 40 to 200 mg of KOH/g, an acid number of from 20-100 mg KOH /g and a polyisocyanate component as crosslinking agent. The

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polyacrylate may be derived from monomers a1-a6 disclosed in column 7, lines 3-45. However, the prior art does not teach or suggest the inclusion of 10-40% by wt. of at least one polyalkylene glycol(meth)acrylate and (c) 30-45% by wt. of at least one hydroxyfunctional unsaturated monomer different from (b). Additionally, Nienhaus et al. disclose a hydroxyl value of 40-200 as opposed to 220-280 recited in instant claims.

Prior art to Huybrechts et al. relates to waterborne coating compositions comprising hydroxyl functional acrylic polymer comprising 20-70% vinyl-aromatic, 0-40% hydroxyl functional monomer, 0-70% of other polymerizable monomers and 10-80% by wt. of monoepoxy ester of an unsaturated functional monomer and curing agent (abstract). The OH value of the copolymer may range from 30-250 while the acid number may range from 5-35 mg of KOH/g. However, the prior art does not teach or suggest the inclusion of 10-40% by wt. of at least one polyalkylene glycol(meth)acrylate and (c) 30-45% by wt. of at least one hydroxyl functional unsaturated monomer different from (b) as recited in instant claims.

Prior art to Bremer et al. discloses a binder comprising a copolymer (A) with an acid number in the range of 25-50 mg KOH/g obtained by copolymerizing 20-35 wt.% of glycidyl ester of alpha branched aliphatic acid, 15-20% of a hydroxyalkyl ester of (meth)acrylic acid, 10-40% of an alkyl ester of (meth)acrylic acid, 8-25% of (meth)acrylic acid and 20-35% of styrene. The coating composition contains (A) the copolymer, (B) a polyisocyanate, (C) an organic solvent and/or water and optionally pigments, fillers etc. The molecular weight of copolymer may range from 2500 to 20,000 and the hydroxyl number, from 80-200 mg KOH/g. However, the prior art does not teach or suggest the inclusion of 10-40% by wt. of at least one polyalkylene glycol (meth)acrylate and (c) 30-45% by wt. of at least one hydroxyfunctional unsaturated

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monomer different from (b). Additionally, Nienhaus et al. disclose a hydroxyl value of 80-200 as opposed to 220-280 recited in instant claims.

Thus, the instant claims are allowable over prior art of record that neither teaches nor suggests, alone or in combination, aqueous compositions of the instant invention. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

Future Correspondence

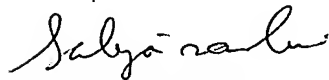
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri whose telephone number is 571-272-1112.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273 8300 for regular communications. The unofficial direct fax phone number to the Examiner's desk is 571-273-1112.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SATYA SASTRI

March 24, 2006



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SUPERVISORY PATENT EXAMINER
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